

Kennedy Death X-Rays Given to U.S. by Family

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Evidence never seen by the Warren Commission in its study of the assassination of President John F. Kennedy is now in government files.

The evidence was turned over to the government on Monday by the Kennedy family, a Justice Department spokesman disclosed last night.

However, the evidence will not be seen by the general public for many years and will be shown to almost no one outside the government over the next five years. Those conditions were imposed by the family in giving the evidence to the National Archives.

The turnover of the evidence followed what the spokesman called "weeks" of discussions between the family and the Justice Department. President Johnson was not involved, it was reported.

Included in the evidence are photographs, negatives and X-rays made of the slain President's body while an autopsy was being performed at Bethesda Naval Hospital about 12 hours after he was shot in Dallas on Nov. 22, 1963.

This evidence has been described as crucial by a number of critics of the Warren Commission. These critics, who dispute the commission's conclusion that Lee Harvey Oswald, acting alone, killed the President, have said the commission should have studied the autopsy materials.

It never saw them. However, three pathologists who performed the autopsy testified before the commission.

The photographic materials, it has been argued by critics, would have guided the commission in deciding the number of shots fired, the direction from which they came, the number of the President's wounds, and—possibly—the participation in the shooting of more than one person.

One of the critics, Mark Lane, said today he may file suit seeking to force public release of the photos. Lane, visiting Columbus, Ohio, to promote his book "Rush to Judgment," said in a statement that if the government doesn't permit examination of the photos, "I will bring a taxpayer's action in the federal court."

It has been suggested that the doubts raised about the Warren Report should be settled by another formal inquiry—either official or private—into the assassination. An official inquiry has been supported by, among others, Richard N. Goodwin, a former White House aide to Presidents Kennedy and Johnson.

Asked last night if any consideration had been given to reopening the questions about who killed Kennedy and how it was done, the Justice Department said: "Not that we know of."

For Historical Record

The spokesman acknowledged that the growing controversy over the validity of the commission's conclusions had contributed, at least in part, to the government's desire to obtain the autopsy photos and X rays from the Kennedy family.

But, he said, critical books about the Warren Report were not the "direct cause" of the department's approach to the Kennedys.

"It was just for the historical record," the spokesman said.

Asked if any member of the Warren Commission had had anything to do with the discussions with the Kennedys, the spokesman said: "No."

However, the spokesman added that, on looking again yesterday at the photos and X rays, the Navy doctors who had joined in the autopsy "saw nothing new." They looked at the pictures again primarily to "authenticate" them, the spokesman said, adding that this "was not an extensive study."

The location of the autopsy material has been a mystery almost from the time the Warren Report was published just over two years ago.

The department spokesman said last night that, in accepting the materials for deposit, the government "did not know the history" of what had happened to the materials earlier and "did not insist on knowing the history."

Besides accepting the autopsy material for safekeeping, the National Archives also agreed with the Kennedy family to hold—with some restrictions on its use—the clothing the president had worn on the day he was murdered.

The restrictions the family put on the use of the clothing were less stringent than those imposed on use of the autopsy photos and X rays.

Open to Official Study

The autopsy data may be examined at any time by "any official federal government body"—in Congress, the executive branch or elsewhere—that may study again the assassination.

These materials will not go on "public display" during the lifetime of Mrs. Kennedy, the former president's brothers and sisters, his parents, Mr. and Mrs. Joseph Kennedy, and his two children, Caroline and John.

Study of the autopsy material by "nonofficial researchers" is strictly limited for the five years that began last Saturday—the day of the agreement to turn over the material. No unofficial source will be permitted to see the materials "without the consent of a family representative."

The family representative will be Burke Marshall, a former assistant attorney general when Robert Kennedy was attorney general in his brother's cabinet. Marshall is now a private lawyer.

Granting of access during the next five years, the government spokesman said, "will be exceptional"—that is, rare.

After the five-year period, unofficial access to the autopsy data will be limited to "recognized experts in pathology and related sciences." Such experts will have to prove their scientific qualifications and their "serious purpose" to Marshall or to another Kennedy family representative if Marshall is not then holding that position.

This restriction, like the one forbidden public display, will remain for the lifetimes of the Kennedy relatives.

The Autopsy Items

The autopsy materials—all photographic reproductions of the president's body or portions of it—include 14 X rays, 25 black-and-white negatives, an indefinite number of prints from those negatives and 26 color slides.

The pathologists who examined the pictures again yesterday at the Archives "said that these were the only pictures" taken at the autopsy, a department spokesman said.

Examining the materials were two Navy doctors, J. J. Humes and J. Thornton Boswell. They, along with an Army doctor, Col.

Pierre A. Finck, performed the autopsy on Kennedy's body. Col. Finck is now serving in Viet Nam, while the two other doctors remain at Bethesda Naval Hospital.

Also examining the photographic data for its authenticity yesterday was a radiologist who took some of the photos. He was not otherwise identified by the department.

The restrictions imposed on the use of the former president's clothing, which had been examined by the Warren Commission, also do not apply to official government sources interested in that evidence.

Public display of the clothing is prohibited during the lifetime of the Kennedy relatives.

"Nonofficial sources" may obtain permission from the national archivist, Dr. Robert H. Bahmer, to see those materials at any time. Such sources would include "serious scholars or investigators who are investigating the death of the president." This "does not exclude" newspapermen, a department spokesman said.

The agreement to turn over the evidence to the Archives and the restrictions on its use amounts to a "contract" between the government and Mrs. Kennedy and the two senators, Robert and Edward Kennedy.

Such arrangements are authorized, the spokesman said, by a 1950 law. The law permits the General Services Administrator—now W. Lawson Knott—to accept "for deposit" papers and other historical materials of presidents "subject to restriction agreeable to the administrator as to their use."

The restrictions on use and availability "may be specified in writing by the donors or depositors" of the materials, the law says. The GSA chief is required to abide by those restrictions, "if he agrees to accept them, 'for so long a period' as the donors specify."

Administrator Knott agreed to the Kennedy condition by signing his name at the bottom of a letter specifying the agreement and the restriction. This is the only document there is, and it will not be made public, the government spokesman said.

He said it was not unusual for presidential families to impose such restriction. He also said it was common practice for presidential families to take possession of government records and documents that were related to a president's life and actions.